

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**PROJECT ON PREDATORY LENDING)
OF THE LEGAL SERVICES CENTER)
OF HARVARD LAW SCHOOL,)
)
)
 Plaintiff,)
)
 v.)
)
)
**UNITED STATES DEPARTMENT OF)
JUSTICE)
 Defendant.****

**Civil Action No. 17-210
Judge Nora Barry Fischer**

ORDER OF COURT

AND NOW, this 9th day of July, 2018, upon consideration of the parties' cross-motions for summary judgment and for the reasons set forth in the accompanying opinion, IT IS HEREBY ORDERED as follows:

1. The motion for summary judgment filed on behalf of the Department of Justice (Docket No. 41) is DENIED in part, and GRANTED in part. The motion is GRANTED insofar as the Court finds that the EDMC Hard Drive materials are not "agency records" under the FOIA; it would be unduly burdensome to require the Department of Justice to search for responsive records in the EDMC Hard Drive materials; the Department of Justice's search was adequate; and the Department of Justice appropriately designated as protected by the work product doctrine the six documents found in the hard copy litigation file. The motion is DENIED in all other respects.

2. The cross-motion for summary judgment filed on behalf of the Project on Predatory Lending of the Legal Services Center of Harvard Law School (Docket No. 47) is DENIED in part, and GRANTED in part. The motion is GRANTED as to the Project's request for disclosure of documents contained on the AI Dallas CD materials, documents listed on the *Vaughn* index, and five documents found in the Department of Justice email archives. The motion is DENIED in all other respects.

IT IS FURTHER ORDERED as follows

- a. Within 30 days of this order, the Department of Justice shall redact the personally identifiable information contained within documents from the Art Institute of Dallas materials and notify EDMC that it intends to release these documents to the Project under the FOIA. Unless the Department of Justice or EDMC moves for a further protective order within ten days of receiving notice of the documents' pending release, the Department of Justice shall produce the documents to the Project.
- b. Within 7 days of this order, the Department of Justice shall redact the personally identifiable information, if any, contained within the five documents found in the Department of Justice's search of the email archives identified in paragraph 17 of the Comber Declaration and notify EDMC that it intends to release these documents to the Project under the FOIA. Unless the Department of Justice or EDMC moves for a further protective order within ten days of receiving notice of the documents' pending release, the Department of Justice shall produce the documents to the Project.

IT IS FURTHER ORDERED that within 45 days of this Order the parties shall file a joint status report containing an update on production of documents, as ordered above.

IT IS FURTHER ORDERED that Plaintiff's Motion in the Alternative for Discovery Pursuant to Rule 56(d) of the Federal Rules of Civil Procedure (Docket No. 52) is DENIED, as moot.

FINALLY, IT IS ORDERED that Plaintiff's Motion to Strike Statements from the Declarations of John Kornmeier and Michael A. Comber (Docket No. 54) is granted, in part, and

denied, in part. Said motion is granted to the extent that the Court did not consider legal conclusions contained within said affidavits, but is denied in all other respects.

By the court:

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc/ecf: All counsel of record.